

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**COLUMBIA MUTUAL INSURANCE COMPANY**

**PLAINTIFF**

**v.**

**4:05CV01118-WRW**

**PERFECTING NEW LIFE LEARNING CENTER a/k/a  
PERFECTING CHRISTIAN DAYCARE; DONNA HARRIS;  
KAREN PHILLIPS; BETTY SANDERS; GRACE ALLEN  
CHARLENE JACKSON; DEITRA JONES; CHARLIA  
ROBINSON; LORETTA CAROLINA; OFFICERS AND  
DIRECTORS OF PERFECTING NEW LIFE LEARNING  
CENTER, KEVIN D. ALLEN, SR., CAROLYN ALLEN, AND  
TERRANCE WILSON; OFFICERS AND DIRECTORS OF  
PERFECTING NEW LIFE GOSPEL BAPTIST CHURCH a/k/a  
PERFECTING NEW LIFE COMMUNITY DEVELOPMENT,  
KEVIN ALLEN, CAROLYN ALLEN, JANICE WILSON,  
CEDRIC MARKS, AND HENRY JOHNSON; JOHN DOE I,  
JOHN DOE 11, AND JOHN DOE 111**

**DEFENDANTS**

**ORDER**

Pending is Plaintiff's Motion for Default Judgment against Defendants Charlene Jackson, Charlia Robinson, Loretta Carolina, and Terrance Wilson (Doc. No. 47). By Order<sup>1</sup> entered on February 14, 2006, Columbia was allowed to serve Charlene Jackson ("Jackson"), Loretta Carolina ("Carolina"), Charlia Robinson ("Robinson"), Karen Phillips ("Phillips") and Terrance Wilson ("Wilson") by warning order.<sup>2</sup> Defense counsel entered a Notice of Appearance<sup>3</sup> for Karen Phillips on March 3, 2003. Because Jackson, Carolina, Robinson, and Wilson have not been located,

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<sup>1</sup>Doc. No. 35.

<sup>2</sup>The Federal Rules of Civil Procedure do not provide for warning order; therefore, it is necessary to review Rule 4(f) of the Arkansas Rules of Civil Procedure for the requirements.

<sup>3</sup>Doc. No. 38.

Columbia seeks a default judgment against them.<sup>4</sup>

Default judgments are not favored and should be used sparingly.<sup>5</sup> Accordingly, Plaintiff's Motion for Default Judgment is DENIED without prejudice. Plaintiff may re-file the motion if the answering defendants are found liable.

IT IS SO ORDERED this 18<sup>th</sup> day of September, 2006.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup>Doc. No. 47.

<sup>5</sup>*Comiskey v. JFTJ Corp.*, 989 F.2d 1007, 1009 (8th Cir. 1993).